REMARKS

By way of the present supplemental response, Applicant has cancelled claims 226-241 without prejudice, limitation, waiver or estoppel.

New claims 242-262 are added hereby, wherein claims 242, 249 and 256 are in independent form. It is believed that the new claims are drawn to no unelected subject matter as they are directed to substantially the same subject matter previously covered.

No new matter is added hereby. Support for the claims may be found, for example, in respect of FIGS. 13 and 14 and associated description in the original specification.

Favorable reconsideration of the present patent application as currently constituted is respectfully requested.

Regarding the New Claims

Applicant notes that the following references were principally relied upon in the May 13, 2009 Final Office Action for maintaining rejections under 35 U.S.C. §103(a): (i) "AirMobile Software of Lotus cc:Mail Wireless: Communication Server Guide" (hereinafter the *AirMobile* reference); (ii) U.S. Patent No 6,807,277 to Doonan et al. (hereinafter the *Doonan*

reference); and (iii) U.S. Patent No. 6,807,277 to Sussman (hereinafter the *Sussman* reference). The following additional secondary/tertiary references were also applied in certain combinations with respect to rejections of certain dependent claims: (i) U.S. Patent Application Publication No. 2005/0278641 to Mansour et al. (hereinafter the *Mansour* reference); and (ii) ARDIS ("ARDIS Begins Shipping New Lan-Based E-Mail Software; First Wireless Data Network to Offer Solution for Microsoft Mail and Lotusr (sic) cc:Mail Applications; Supports New Motorola Envoy 150 Wireless Communicator"; hereinafter the *ARDIS* reference), in addition to Official Notice.

The present claims are directed to a system, method and associated computer-accessible medium with instructions, for redirecting data items from a messaging host system to a user's mobile device. As currently constituted, base claim 242 includes, *inter alia*, features relating to detecting new data items as they arrive at the messaging host system, encrypting each new data item using an encryption key and a cipher algorithm, and transmitting the encrypted new data items to the user's mobile device in real-time. Substantially identical features are also set forth in base claims 249 and 256.

The *AirMobile* reference is directed to forwarding a user's email to a mobile device. As acknowledged in the Office Action of May 13, 2009, *AirMobile* fails to teach encrypting the messages prior to transmitting them, either from a server component or from a mobile device. Further, the *AirMobile* system does not detect new data items for the user *as they arrive at the messaging system* since the *AirMobile* system is necessarily a polling-based system having a predetermined polling period as has been argued elsewhere (see, e.g., Applicant's response of January 17, 2009 in Application No. 09/784,726 (Attorney Docket No. 1400-1072D2) which is being examined by the Examiner of the present application; which response is hereby incorporated, *mutatis mutandis*, by reference herein).

In addition, Applicant respectfully submits that the system of *AirMobile* is inherently and inescapably incapable of transmitting user data items, encrypted or otherwise, to the user's mobile device in real-time as claimed by Applicant. Although the *AirMobile* reference provides a description including a high-level network environment (see Figure 1-1 illustrating AirMobile wireless communication server and client in a cc:Mail environment) that may be sufficient for a "guide", it does not really explain or describe all the details of the totality of the

interaction between a mobile client device (running the client software) and the LAN environment where a server running the AirMobile server software is disposed. Applicant submits that understanding this interaction is critical to appreciating the fundamental differences between the claimed embodiments and the *AirMobile* system.

Applicant notes that the system of *AirMobile* is explained in additional detail in U.S. Patent No. 5,764,899 to Eggleston et al. (hereinafter *Eggleston*), which is owned by the same company that produced the *AirMobile* system. In *Eggleston*, a laptop computer 105 with a wireless modem 106 communicates with a "communication server" 110, which in turn is coupled to a user's "Post Office" host server 115. *AirMobile* appears to describe the same system, using exactly the same terminology. *Eggleston* was filed in 1995, the same year that the *AirMobile* references are copyrighted. Two of the inventors on the *Eggleston* patent - Gene Eggleston and Mitch Hansen - are referenced on numerous occasions in the *AirMobile* guides.

As set forth in *Eggleston*, communication server 110 includes a virtual session manager 230 and a query manager 231, and is coupled between a data network 130 and the Post Office host/server 115. See Figures 1 and 2. The virtual session

manager 230 is provided for establishing and maintaining a virtual session communication path with the mobile station 105 and a session-oriented communication path with the host server 115. As described with respect to Figure 2, which shows additional details of an exemplary communication server 220, the query manager 231 is designed to send requests to a mail server (i.e., Post Office server) to query for unprocessed messages.

Eggleston teaches that a virtual session is established between the communication server 220 and the mobile station 201 via registration and authentication (see Figure 3, steps 302-307, for example). Once the virtual session is established, the query manager 231 is programmed to send query objects at predetermined intervals for each application being run by each active mobile station requesting unprocessed data for that user from the Post Office server (see Figure 3). As such, *Eggleston* teaches that communication server 220 is required to poll a user's inbox at the mail server at predetermined periods. In other words, the email forwarding scheme disclosed in *Eggleston* is in fact a polling-based system that requires polling of the Post Office server by the communication server 220, which is done only upon establishing of a virtual session by the mobile client.

Based on the foregoing discussion, it is quite clear that contrary to detecting new data items as they arrive at the messaging host system and transmitting the encrypted new data items to the user's mobile device in real-time as claimed by Applicant, *Eggleston* discloses a virtual session based communication system for transferring data between a mobile client and a host system (i.e., a Post Office) involving an intermittent or periodic operation -- a traditional querying-based mechanism where a mobile client must be authenticated, a login must be established with the Post Office, and only then would query manager 231 request any new messages. Therefore, absent an active virtual session, no messages can be requested by or sent to a mobile device. In other words, *Eggleston* (and *AirMobile*, by extension) requires that a mobile device first establish a virtual session, which can be random and intermittent, thereby negating any notion of transmitting the messages to the mobile device in real-time as set forth in Applicant's claims. Accordingly, such a system cannot anticipate or suggest a redirector system that provides for transmission of encrypted data items to the mobile device in real-time as claimed by Applicant.

Further, if a user remains inactive for a predetermined period of time, the system of *Eggleston* logs off the user and tears down the virtual session so that the costs of communication are kept to a minimum. See, e.g., column 4, lines 47-51; column 7, lines 10-18 and lines 48-58 of *Eggleston*. Accordingly, there is no incentive in *AirMobile/Eggleston* to achieve real-time transmission of data items as they arrive since that would require maintaining a virtual session whether or not there is new email for a user and whether or not the user is active over a period of time. *Eggleston* explains that the result of logging off is that "the client will not be notified of outbound data until the client re-registers and is again coupled via the virtual session manager." Logging off a user and *not* notifying the user of new email is the opposite of transmitting messages to a user in real-time as the messages arrive.

The foregoing deficiencies of *AirMobile* vis-à-vis the claimed embodiments are not cured by the secondary and tertiary references of the record. *Doonan* is directed to a secure messaging system that utilizes a key server. As *Doonan* discloses with reference to FIG. 2, whenever sender 100 wants to send an encrypted message, sender 100 sends a request (220) for a key to key server 106, which returns (222) an encryption key to sender

100 and makes a decryption key available on request to recipient 102. On the whole, however, the teachings of *Doonan* are not concerned with either (i) detecting new data items as they arrive at a messaging system, and/or (ii) transmitting encrypted data items to a user's mobile device in real-time. *Sussman* appears directed to a secure electronic commerce system that electronically emulates the so-called Mail Order/Telephone Ordering (MOTO) process on the Internet. The *Sussman* system includes customer and merchant network address verification and discloses that a session key may be generated based on mouse and keyboard input at a computer for certain cryptographic techniques. See column 9, lines 1-4. While various types of customer premise equipment (CPE) such as e.g., web phones 2, PDAs 4 and web cell phones 5, are disclosed, there appears to be no teaching, however, relative at least with respect to with either (i) detecting new data items as they arrive at a messaging system, and/or (ii) transmitting encrypted data items to a user's mobile device in real-time.

The additional secondary/tertiary references, i.e., *Mansour* and *ARDIS* references, either separately or in any combination including Official Notice, do not cure the deficiencies of the *AirMobile*, *Doonan* and *Sussman* references. *Mansour* is directed to

a Java calendar application delivered to a web browser. *Mansour* notes that encryption is an important feature, but does not disclose any details of the encryption process. The *ARDIS* reference is a marketing announcement of electronic mail software that supports remote access to LAN-based email systems. The foregoing references, either alone or in any reasonable combination, disclose or suggest all the limitations of the claims as currently set forth.

At least for the foregoing reasons, it is believed that pending claims 242-262 are patentably distinguishable over the applied art of record.

In view of the aforesaid remarks, Applicant's cumulative response is believed to be in compliance and fully responsive to the prior Office Action and the outstanding notice.

Reservation of Rights

Notwithstanding the foregoing, Applicant reserves all rights not exercised in connection with this response, such as, e.g., the right to challenge or rebut any tacit or explicit characterization of any reference or of the present claims, the right to challenge any Official Notice(s) taken, the right to challenge or rebut any asserted factual or legal basis of any of the rejections of the present Office Action, or the right to swear behind any cited reference such as provided under 37 C.F.R. §1.131 or otherwise.

Fee Statement

Compared to the highest number previously paid for, the total number of claims and the number of independent claims have not increased. A petition for a THREE-month extension of the reply period is being made. Applicant believes no additional fees are due for the filing of this supplemental response. If any additional fees are due or any overpayments have been made, however, please charge or credit our deposit account (Deposit Account No. 03-1130).

SUMMARY AND CONCLUSION

In view of the fact that none of the art of the record, whether considered alone or in combination discloses, anticipates or suggests the presently pending claims and in further view of the above amendments as proposed and remarks, reconsideration of the Action and allowance of the present patent application are respectfully requested and are believed to be appropriate.

Respectfully submitted,

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